

KAPLAN, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
C. ORTIZ

Plaintiff,
- against -

Docket No. 07 cv. 07022
(LAK)

PALLADIA, INC.

Defendant.
-----X

STIPULATION AND ORDER OF DISCONTINUANCE WITH PREJUDICE

It is hereby stipulated and agreed, by and between the respective counsel for the parties that:

1. This action is hereby discontinued with prejudice pursuant to a certain "Confidential Negotiated Settlement Agreement and General Release" dated October , 2007 executed by the parties. (the "Separate Settlement Agreement").
2. No costs shall be awarded as against any party, other than as is provided in the Separate Settlement Agreement.
3. This Court shall retain continuing jurisdiction to enforce the terms and conditions of the Separate Settlement Agreement.
4. This Stipulation and Order of Discontinuance with Prejudice may be executed in counterparts.

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SO ORDERED

Mark Kugler
U.S.D.J.

DA 11/5/07